

ORIGINAL

Paul J. Sulla, Jr. (SBN 5398)  
Attorney at Law  
P.O. Box 5258  
2061 Kalaniana'ole Ave.  
Hilo, HI 96720  
Telephone: 808/933-3600  
Facsimile: 808/933-3601

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DEC 09 2011 3:16pm

CLERK, U.S. DISTRICT COURT  
DISTRICT OF HAWAII

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 12 2011

2 o'clock and 45 min. P.S.  
SUE BEITIA, CLERK

Attorney for Plaintiffs,  
W. AUGUSTUZ ELLIOTT and  
KYOKO ELLIOTT

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

W. AUGUSTUZ ELLIOTT and  
KYOKO ELLIOTT,  
as individuals

Plaintiffs,

vs.

DEUTSCHE BANK NATIONAL  
TRUST COMPANY, A NATIONAL  
BANKING ASSOCIATION AS  
TRUSTEE OF THE INDYMAC INDX  
MORTGAGE TRUST 2007-FLX6,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-  
FLX6 UNDER THE POOLING AND  
SERVICING AGREEMENT DATED  
JULY 1, 2007; ONEWEST BANK,  
FSB, a Federal Savings Bank  
formerly INDYMAC BANK, FSB,  
a Federal Savings Bank; and  
DOES 1-100, inclusive

Defendants.

Civil No. CV10-00357SOM BMK

**STIPULATION FOR VOLUNTARY  
DISMISSAL OF ENTIRE ACTION**

**STIPULATION FOR VOLUNTARY DISMISSAL OF ENTIRE ACTION**

COMES NOW the Plaintiffs, W. AUGUSTUZ ELLIOTT and KYOKO  
ELLIOTT, by and through their attorney, Paul J. Sulla, Jr. and

Defendants ONEWEST BANK, FSB and DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee and through their attorney, David B. Rosen, and stipulate to the Entry of Dismissal of the Entire Action in the above-captioned matter, without prejudice, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(ii).

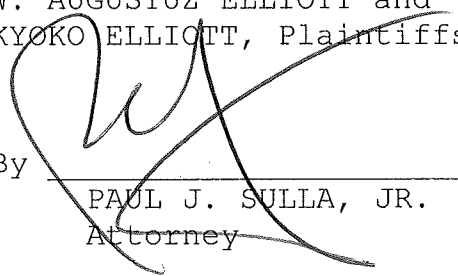
This Stipulation for Voluntary Dismissal is signed by all parties who have appeared in this action.

Each party shall bear its or their own costs and attorney fees in this matter.

DATED: Hilo, Hawaii this 5<sup>th</sup> day of December 2011.

W. AUGUSTUZ ELLIOTT and  
KYOKO ELLIOTT, Plaintiffs

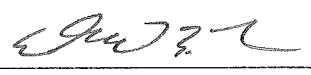
By

  
\_\_\_\_\_  
PAUL J. SULLA, JR.  
Attorney

DATED: Honolulu, Hawaii this 9<sup>th</sup> day of December, 2011.

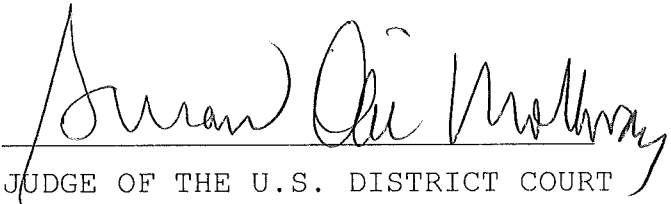
ONEWEST BANK, FSB and  
DEUTSCHE BANK NATIONAL TRUST COMPANY,  
Defendants

By

  
\_\_\_\_\_  
DAVID B. ROSEN  
Attorney

APPROVED AND SO ORDERED.

Dated: Honolulu, Hawaii this 12<sup>th</sup> day of December, 2011.

  
JUDGE OF THE U.S. DISTRICT COURT

*Elliott v.*  
*Deutsche Bank National Trust Company, et al.*  
Civil No. CV10 00357SOM BMK  
**STIPULATION FOR VOLUNTARY DISMISSAL  
OF ENTIRE ACTION**